

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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GIANNIS ANTETOKOUNMPO, : :
: :
Plaintiff, : :
: : 21-CV-2198 (JMF)
-v- : :
: :
JACK CONSTANTINO, et al., : :
: :
Defendants. : :
: :
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JESSE M. FURMAN, United States District Judge:

Based upon its review of Plaintiff's submissions in support of his pending motions for entry of default judgments against Defendants Sherrie Richardson-Miller and Jordan Reyes, the Court ORDERS Plaintiff to file, no later than **July 1, 2021**, a supplemental memorandum of law, not to exceed ten pages — and supported by other materials, as appropriate — addressing the following issues:

- Whether joinder of these defendants is proper under Rule 20(a)(2) of the Federal Rules of Civil Procedure. *See, e.g., Williamson v. Verizon Commc'ns Inc.*, No. 11-CV-4948 (LTS) (HBP), 2013 WL 323992, at *1 (S.D.N.Y. Jan. 18, 2013) (“Here, the Verizon and AT&T Defendants offer distinct and competing products, and are alleged to have infringed the patents-in-suit based on their own respective actions. Plaintiff does not allege that the Verizon and AT & T Defendants are related to each other in any way, that they conspired or acted in concert to infringe the patents-in-suit, or that they are jointly or severally liable. Accordingly, Plaintiff’s allegations that both sets of defendants have infringed the same patents are insufficient to support joinder under Rule 20(a), and the claims against the AT & T Defendants must be severed from those against the Verizon Defendants.”). In light of Plaintiff’s dismissal of his claims against seven of the originally named defendants, *see* ECF Nos. 39, 41, 48, 50, 52, 58, 75, Plaintiff’s submission should focus only on the remaining two defendants.
- Assuming that joinder of the two remaining Defendants is appropriate, whether the allegations in the Complaint satisfy the requirements of Rule 8(a) of the Federal Rules of Civil Procedure or whether they constitute impermissible group pleading. *See, e.g.,*

Atuahene v. City of Hartford, 10 F. App'x 33, 34 (2d Cir. 2001) (summary order) (holding that “[b]y lumping all the defendants together in each claim and providing no factual basis to distinguish their conduct, [the] complaint failed” to meet Rule 8’s standards).

- Whether there is sufficient evidentiary support for Plaintiff’s claimed damages of \$50,000 from both remaining defendants. *See, e.g., Mayes v. 490 Habitat, Inc.*, No. 18-CV-1427 (SJF) (GRB), 2019 WL 2435765, at *5-7 (E.D.N.Y. Mar. 4, 2019) (refusing to award any damages on a default judgment based on Lanham Act false endorsement claims notwithstanding the submission of an expert report purporting to establish the fair market value of use of plaintiffs’ images where the report contained “substantial omissions”), *report and recommendation adopted*, 2019 WL 1429602 (E.D.N.Y. Mar. 29, 2019), *vacated on other grounds*, 2020 WL 587112 (E.D.N.Y. Feb. 6, 2020).
- Whether this is an “exceptional case” justifying the award of attorney’s fees and/or prejudgment interest. *See 4 Pillar Dynasty LLC v. New York & Co.*, 933 F.3d 202, 215-16 (2d Cir. 2019).

In light of the foregoing, the default judgment hearing currently scheduled for June 24, 2021 is ADJOURNED to **July 15, 2021 at 4:30 p.m.**

Plaintiff shall serve a copy of this Order on Defendants Richardson-Miller and Reyes within **one business day of this Order** and file proof of such service on the docket within **three business days**.

SO ORDERED.

Dated: June 22, 2021
New York, New York



JESSE M. FURMAN
United States District Judge